

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA

v.

XENGXAI YANG

SENTENCING MINUTES

Case No. 19-CR-67

HONORABLE WILLIAM C. GRIESBACH presiding
Proceeding Held: February 4, 2021
Deputy Clerk: Cheryl

Time Called: 1:30 P.M.
Time Concluded: 2:32 P.M.
Tape: Zoom
020421

Appearances:

UNITED STATES OF AMERICA by: Andrew J. Maier
XENGXAI YANG by video and by: Thomas E. Phillip
US PROBATION OFFICE by: Brian Koehler
INTERPRETER: None ☐ Interpreter Sworn

☒ Defendant consents to appear and proceed by video conference.

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- | | |
|---|---|
| <input checked="" type="checkbox"/> The parties have no objections to the factual statements in the PSR | <input checked="" type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR |
| <input type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant | <input type="checkbox"/> Objections/corrections to application of guidelines by <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant |
| <input checked="" type="checkbox"/> The court adopts the factual statements and guideline application as set forth in the PSR | <input type="checkbox"/> The court adopts the factual statements and guideline application with these changes: |

-
- | | |
|--|--|
| <input checked="" type="checkbox"/> The government presents sentencing argument: The government recommends 183 months. | <input checked="" type="checkbox"/> The defendant presents sentencing argument: The defendant requests a 144-153 sentence. |
| <input checked="" type="checkbox"/> Defendant exercises right of allocution. | <input checked="" type="checkbox"/> The court imposes sentence. |
| <input type="checkbox"/> The government dismisses count(s) ____. | <input checked="" type="checkbox"/> Defendant advised of appeal rights. |

Kathy Cruz, Branch Manager, address the court on behalf of herself and the other victims at the credit union.

SENTENCE IMPOSED:

Imprisonment: 48 Months as to Count(s) 1&3 of the Indictment
120 Months as to Count(s) 2 of the Indictment

Imprisonment term for each count to be served ☐ concurrently ☒ consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: 168 months.

☐ This term of imprisonment is to be served (☐ concurrently with or ☐ consecutively to) any state court sentence the defendant is currently serving.

Probation: _____ Years as to Count(s) _____ of the _____

Supervised 3 Years as to Count(s) 1&3 of the Indictment
Release: 5 Years as to Count(s) 2 of the Indictment

MONETARY PENALTIES

Special Assessment: \$ 300.00 due immediately

Fine: \$ _____ ☒ fine waived

Restitution: \$ _____ ☐ determination deferred

JOINT AND SEVERAL PAYMENTS

☐ Fine and/or ☐ Restitution is **joint and several** with _____.

☐ Repayment of Buy Money is **joint and several** with _____.

FORFEITURE

☐ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

RECOMMENDATIONS

☒ The court recommends the defendant's placement at Oxford, Wisconsin or as near his home as possible.

☒ Other: The defendant receive mental health treatment.

CUSTODY

☒ The defendant is remanded to the custody of the U.S. Marshal Service.

☐ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; ☐ on or after _____.

CONDITIONS OF SUPERVISED RELEASE/PROBATION

- ☒ The defendant does not object to the conditions of supervised release as set forth in the presentence investigation report.
- ☒ The Court reads the conditions of supervised release.
- ☒ **Mandatory Conditions of Supervision** imposed.
- ☐ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Standard Conditions of Supervision** set forth in the presentence investigation report with the following changes:
- ☐ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report without change.
- ☐ The Court adopts the **Special Conditions of Supervision** set forth in the presentence investigation report with the following changes: